

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

LKQ CORPORATION, INC.,	:	CIVIL ACTION NO. 1:11-CV-1984
Plaintiff	:	
	:	(Chief Judge Conner)
v.	:	
	:	
DOLPH PINKERMAN i/t/d/b/a PENN	:	
DIESEL COMPONENTS,	:	
Defendant	:	
	:	

ORDER

AND NOW, this 11th day of December, 2013, upon consideration of the certification of default (Doc. 29) filed on October 23, 2013, by LKQ Corporation, Inc., (“plaintiff”), wherein plaintiff avers that Dolph Pinkerman i/t/d/b/a Penn Diesel Components (“defendant”) has defaulted on his payment obligations under the parties’ settlement agreement, (*id.*), and further upon consideration of defendant’s answer (Doc. 32) to the certificate, and it appearing that this matter was dismissed by order (Doc. 28) of court dated January 22, 2013, without prejudice to the right of either party to reinstate the action within sixty (60) days if the settlement is not consummated, and the court observing that the sixty (60) day settlement period expired on March 20, 2013, and it thus being evident that the dispute outlined in plaintiff’s filing requires the filing of a separate lawsuit for breach of contract and cannot be resolved as part of this closed litigation, and that the certification of default is procedurally improper, it is hereby ORDERED that:

1. Plaintiff's certification of default (Doc. 29) is STRICKEN from the record.
2. The Clerk of Court shall REMOVE plaintiff's certification of default (Doc. 29) from the record in the above-captioned matter forthwith.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania